

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

WILLIE T. TROTTIE, #999085	§	
VS.	§	CIVIL ACTION NO. 9:12CV90
RICK THALER, ET AL	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of Plaintiff’s Motion for Certification of a Class (docket entry #3), has been presented for consideration. Plaintiff has filed objections. However, his objections serve primarily to voice his concern that his action go forward whether as a certified class action or as an individual lawsuit. He explicitly states, “I do not oppose the Court’s (R&R)’s in regards to the class action status . . . ,” Objections at 1, though he still believes that the conditions stated in the complaint affect other male death row inmates.

The Court has conducted a careful *de novo* review of the pleadings in this case, the Report of the Magistrate Judge, the Plaintiff’s objections thereto, and all other documents, and records in the case. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff’s objections are without merit, specifically noting Plaintiff does not oppose denial of class status and that this action will not be dismissed at this juncture but will proceed as an individual lawsuit. It is accordingly

**ORDERED** that Plaintiff's objections are **OVERRULED** and the Report of the Magistrate Judge is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the Plaintiff's Motion for Certification of a Class (docket entry #3) is hereby **DENIED**.

So **ORDERED** and **SIGNED** this **11** day of **February, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, United States District Judge